



JUSTICE ADMINISTRATION DEPARTMENT

Advancing innovative justice solutions so that all Harris County residents can live in vibrant, safe, healthy, and thriving communities

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Contact: **Laura Lucas**

Deputy Director, Communications & Outreach

M: 832.778.1088 @: laura.lucas@jad.hctx.net

HARRIS COUNTY MISDEMEANOR BAIL REFORM IS HAVING A POSITIVE IMPACT ON THE COUNTY

Second Year ODonnell Monitor Report Shows Constitutional Bail Practices Not Contributing to Increase in Crime, Saving Taxpayers Estimated Millions of Dollars

HARRIS COUNTY– (March 16, 2022) – Harris County is seeing positive results from the misdemeanor bail reforms implemented two years ago through the *ODonnell* Consent Decree. The independent monitors (led by Professor Brandon Garrett from Duke University) overseeing Harris County's historic **misdemeanor** bail reform recently presented their findings from their regular report to the ODonnell court to Commissioners Court.

The **report** demonstrates taxpayer **savings in excess of six million dollars per year**, a **decline in recidivism numbers**, and an **elimination of racial and ethnic disparities** for those unable to pay a cash bond amount to secure pretrial release.

According to this new policy, Harris County has implemented **increased protections** for indigent arrestees accused of misdemeanor offenses. Previously, most misdemeanor arrestees remained incarcerated until their cases were resolved due to an inability to pay bail, which among other issues, created an unconstitutional racial and ethnic disparity.

The consent decree and most recent monitor report only address **misdemeanor** crimes. Felonies, particularly murder, have increased in Harris County. Members of the public and public officials have understandably sought explanations, as one act of violence is one too many. The report addresses public accusations linking homicides to "bail reform," finding **no evidence** that misdemeanor bail reform has led to an increase in homicides.

Some **key takeaways** from the *ODonnell* Independent Monitor Report include:

- Overall, repeat offending by persons arrested for misdemeanors has remained largely stable between 2015 and 2021.

- The number of persons arrested for misdemeanors who had new charges filed within one year **has steadily declined**. In 2015, that number was 11,888 persons, while in 2020, it was 8,647 persons.
- Since the Consent Decree was signed, the share of cases with bond hearings has fallen from 34% in 2018 to 20% in 2021. This 14-percentage point decline (including public defender costs) has generated an **estimated \$1.1 million savings**, assuming a constant 54,264 cases per year.
- With a 68% pretrial detention rate in 2016 as compared to 43% in 2021, the monitor report estimates nearly **\$3.6 million in a total reduction in jail costs**, assuming an average of 54,264 cases filed each year. Savings are largely due to General Order Bonds, which remove financial obstacles to pretrial release.
- Projected savings for arrestees over the same timeframe are even greater: **\$319 million**. Defendants and their families experience less harm from pretrial detention, earnings loss, loss of partner benefits and child support, and personal safety risk while in detention.

The independent monitor further highlighted to Commissioners Court that Harris County's historic **misdemeanor** bail reform is "**not just about who's in and who's out**, it is also about supports like court appearances, support to make sure people succeed in their cases. It is about having fair bail hearings where you can have more serious inquiries where there is a safety concern." And that "under *ODonnell*, **racial disparities** between those who did and did not get released **disappeared** quickly after the reforms were adopted."

The next Monitorship steps include gathering data to permit a more detailed cost analysis and quantifying the cost consequences of policy changes under the Consent Decree on key processes, including arrest, booking, pretrial screening, bond hearings, court settings, and pretrial detention. Other measures, including prosecution costs, victim services, pretrial supervision, and defendant costs, are still in development. Finally, the monitorship will continue to encompass data analyses and provide feedback in regular meetings concerning the assembly and validation of data regarding misdemeanor cases.

The next *ODonnell* public meeting is set for the last week in April, and the monitor's next federal court report will be submitted on September 2, 2022. To read the entire fourth monitor report, visit the JAD website [here](#). To view monitor Brandon Garrett's presentation to Commissioners Court, click [here](#).

The Independent Monitorship:

The [implementation of the ODonnell Consent Decree](#) in Harris County, Texas — which encompasses Houston and, with nearly 5 million people, is the nation's third most populous county — governs what happens to thousands of people arrested on low-level misdemeanor offenses.

Duke Law professor [Brandon Garrett](#) was appointed independent monitor and directs the [seven-year monitoring project](#) that includes ongoing analysis of Harris County data and intensive engagement with stakeholders. He works closely with deputy monitor [Sandra Guerra Thompson](#), professor of law and director of the Criminal Justice Institute at the University of Houston Law Center, and [Dr. Dottie Carmichael](#) of the Public Policy Research Institute at Texas A&M University. [Dr. Songman Kang](#) of Duke University and Hanyang University (Korea) also plays a crucial role in data analysis for the monitorship.

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About the Justice Administration Department: The Justice Administration Department (JAD) was created by the Commissioners Court to act as a resource for all County Criminal and Juvenile Justice Agencies. The Department coordinates amongst stakeholders and provides the members of Commissioners Court, County Criminal and Youth Justice leaders policy research, data analysis, and solutions meant to increase public safety, fairness, equity, efficiency, and accountability throughout the Harris County justice system. For more information, visit <https://jad.harriscountytexas.gov>

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